



Virginia  
Regulatory  
Town Hall

## Proposed Regulation Agency Background Document

<b>Agency Name:</b>	20
<b>VAC Chapter Number:</b>	541
<b>Regulation Title:</b>	Approved Programs for Institutions of Higher Education
<b>Action Title:</b>	Proposed revisions
<b>Date:</b>	3/6/00

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

### Summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The Board of Education seeks to repeal the current Regulations Governing Approved Programs for Virginia Institutions of Higher Education (8 VAC 20-540) and promulgate new regulations by the same title (8 VAC 20-541). The "approved program" process refers to the policies and procedures by which the Virginia Department of Education reviews a professional education program at a college or university to determine if it meets the state's standards for the preparation of school personnel. "Professional education program" refers to the courses and experiences leading to a degree, a state license, and adequate preparation to provide professional education services in schools.

The review and approval of programs for the preparation of teachers in Virginia is viewed as the cooperative responsibility of institutions of higher education, school divisions, and the Department of Education. This cooperative effort has led to the development of distinctive teacher preparation programs that are recognized for their excellence in teaching across the Commonwealth and nation.

Beginning in 1995, the Board of Education raised educational standards for all students in Virginia's public schools with the adoption of new Standards of Learning (SOL) for Kindergarten through grade 12. To ensure that teachers have the academic background needed to facilitate student achievement of the new standards, the Board also approved new Licensure Regulations for School Personnel (8 VAC 20-21: effective 1998). Rather than specifying courses that college and university teacher preparation programs must offer in order to receive the approved program designation, the licensure regulations set forth competencies that are aligned with the student SOL.

The revision to the Regulations Governing Approved Programs for Virginia Institutions of Higher Education is intended to ensure that colleges and universities offer professional education programs that are aligned with the competencies contained in the Licensure Regulations for School Personnel. A professional education program within a college or university that meets the requirements contained in the revised approved program regulations are deemed to have achieved "approved program" status. Thus, achievement of approved program status assures that the college or university program is aligned with the licensure competencies and the K-12 student standards. Approved program status also indicates that the program meets high professional standards and undergoes continuous evaluation and improvement.

The approved program process is based on standards that govern the professional education department and procedures for the review of each endorsement program. The professional education department, which is responsible for ensuring the alignment between the new licensure competencies and the teacher preparation program, is the school, college, department, or other administrative body within the institution which has primary responsibility for the coordination of all programs that prepare teachers and other professional personnel. It has a designated dean, director, or chair who has authority and responsibility for overall administration and operation.

The procedures for the review of each endorsement program center on the competencies set forth by the Licensure Regulations for School Personnel (8 VAC 20-21-10 et. seq.) and require evidence of how the institution demonstrates that the competencies are met. The licensure regulations, effective for school divisions on July 1, 1998, and colleges and universities on July 1, 2000, provide a statewide licensing system based on the 57 endorsement areas contained in the regulations. As such, colleges and universities with approved programs are also in line with the statewide licensing system.

The details of the review process are outlined in the Manual for Administering the Regulations Governing Approved Programs for Virginia Institutions of Higher Education, which is the guidance document associated with the approved program regulations.

## Basis

*Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.*

Section 22.1-16 of the Code of Virginia states: "The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title."

Section 22.1-298 of the Code states: "The Board of Education shall, by regulation, prescribe the requirements for licensure of teachers. Regardless of the authority of other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education."

Section 22.1-298.E states: "Persons seeking initial licensure who graduate from Virginia institutions of higher education shall, on and after July 1, 2002, only be licensed as instructional personnel by the Board of Education if the endorsement areas offered at such institutions have been assessed by a national accrediting agency or by a state approval process, with final accreditation by the Board of Education."

Section 22.1-305.2 states: "The Advisory Board for Teacher Education and Licensure shall advise the Board of Education and submit recommendations on policies applicable to the standards for the approval of preparation programs and reciprocal approval of preparation programs."

The Office of the Attorney General has certified that the agency has the legal authority to promulgate the proposed regulation, and that it comports with applicable state and/or federal law.

## Purpose

*Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.*

The primary purpose for regulations to accredit teacher preparation approved programs is to assure that prospective teachers are provided the background necessary for quality classroom instruction in the public schools and a level of quality in the professional education sequence that fosters competent practice. The program approval process as specified in the proposed regulations is set forth to assist prospective teachers in developing the background necessary for quality classroom instruction in the public schools, to require a level of quality in the professional education sequence for prospective teachers that fosters competence of graduates, to encourage institutions to meet rigorous academic standards of excellence in professional education, and to facilitate reciprocity in the teacher licensure process with other states.

## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.*

The proposed regulations differ from the current regulations in three primary ways. These major revisions are listed under Section 8 VAC 20-541-50 of the proposed regulations, Operation and Accountability of Professional Education Programs, in Sections A, B, and C.

First, the new regulations will require that the professional education department of the college or university ensure that Virginia's requirements of the Praxis I: Academic Skills Assessment and the Praxis II: Content Assessments must be satisfied prior to the completion of the approved program (Section A. Standard 1).

Second, as indicated in the proposed Section B. Standard 2, "The professional education department ensures that at least 70 percent of candidates are documented in the institution's 'declaration of admission' to the teacher preparation program shall annually pass Praxis II (subject area assessments) for the institution's professional education department to maintain Board of Education continued program status." This requirement is not contained in the current regulations.

Third, as indicated in proposed Section C. Standard 5, "The professional education department submits annual reports of demographic data that reflect the status of the program to the Division of Teacher Education and Licensure." This would be a new requirement.

The details of the review process are outlined in Part II of the Manual for Administering the Regulations Governing Approved Programs for Virginia Institutions of Higher Education, which is the guidance document associated with the proposed regulations.

## Issues

*Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.*

Virginia initiated the approved program process in 1968 and began conducting institutional site visits to review the status of programs. At that time, the process consisted primarily of determining that the courses offered by a college or university paralleled the courses required by the licensure regulations. More recently, programs have been reviewed under broad guidelines that emphasize accountability and flexibility rather than the enumeration of courses. The current Virginia Licensure Regulations for School Personnel (8 VAC 20-21-10 et. seq.), adopted by the Board of Education in January 1998, establish competencies rather than specific courses for approved programs.

Over the past decade, national and local reports have called for changes in teacher recruitment and preparation. In 1986 the report of the Governor's Commission on Excellence in Education in Virginia stated, "Fundamental change is needed in how we educate our teachers." In 1988 teacher preparation programs in Virginia began comprehensive restructuring that included the requirement of an academic major for initial licensure except in the areas of health and physical education and vocational education.

In 1994, Virginia entered into partnership with the National Council for Accreditation of Teacher Education (NCATE). Of the 37 Virginia institutions with approved programs, 15 have voluntarily sought and achieved NCATE accreditation. Under the State/NCATE partnership, the institutional on-site review is conducted by a team composed of NCATE examiners and state representatives who work together to determine whether NCATE's standards and state program guidelines are met. Under the revised Regulations Governing Approved Programs for Virginia Institutions of Higher Education, NCATE institutions will continue to meet the NCATE unit standards and will also follow procedures outlined in the Manual for Administering the Regulations Governing Approved Programs for Virginia Institutions of Higher Education, which is incorporated by reference into the proposed regulation.

## Fiscal Impact

*Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.*

The projected cost to the state to implement and enforce the proposed regulations would include human resources in the Department of Education, training of reviewers for program subject areas

and site reviews, and convening committees to review programs in the subject areas. The cost of the on-site reviews, other than the Department of Education representative, would be incurred by the institution of higher education requesting accreditation. Reviews would be conducted on a five-year cycle; therefore the primary cost to the institution would be during the year of the site visit. Any additional costs to the institutions resulting from these proposed regulations are expected to be absorbed by the institutions.

## Detail of Changes

*Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.*

These revised regulations are based on standards that govern the professional education department and procedures for the review of specific endorsement programs such as English or mathematics. The standards for the review of the professional education department and the indicators of achievement for the standards appear in four sections of the regulations entitled as follows:

- I. Professional Education Program Design;
- II. Candidates in Professional Education Programs;
- III. Faculty in Professional Education Programs; and
- IV. Operation and Accountability of Professional Education Programs.

An on-site review team visits each institution to determine the status of the professional education department. The details of this process are outlined in the Manual for Administering the Regulations Governing Approved Programs for Virginia Institutions of Higher Education, which is the guidance document associated with the approved program regulations. The guidelines Manual contains three major sections that outline the specific procedures for each review:

First, the Procedures for the Review of Specific Endorsement Programs are outlined in Part I of the Manual. The review of endorsement programs will be conducted by teams of discipline specialists who will issue a report for each endorsement area reviewed. These reviews will be conducted in the summer prior to the on-site institutional review. The results of these reviews will be made available to the members of the institutional on-site review teams.

Second, Part III of the Manual contains the Qualifying Conditions for the Review of the Professional Education Department and Specific Endorsement Programs. Prior to the initial review of endorsement programs and the initial on-site institutional review of the professional education department under the revised regulations, the institution must submit the documents

required by the conditions for qualifying to the Division of Teacher Education and Licensure in the Department of Education. These documents must be updated as changes occur at each institution. However, the process occurs only once prior to initial review.

Third, in Part IV of the Manual, an abbreviated template or schedule of activities for the on-site institutional visit is provided. The on-site visit occurs over a four-day period and is conducted by a team of trained reviewers. The team is usually composed of three to five individuals representing faculty and administrators from like institutions in and outside of Virginia, classroom teachers, principals and central office personnel, and department of education representatives.

The specific endorsement programs are the 57 areas of licensure such as mathematics, English, chemistry, etc., identified in the Virginia Licensure Regulations for School Personnel, effective July 1998. Specific endorsement program reviews will be conducted in advance of the institutional on-site review (Part II of the Manual) by trained teams of discipline specialists representing institutions of higher education, classroom teachers, principals, central office personnel, and representatives of professional organizations. The review teams will convene over a three-day period in the summer months that immediately precede the academic year in which the institution's on-site visit occurs. Endorsement reviews occur after the conditions for qualifying documentation has been submitted and reviewed by the department of education (Part III of the Manual).

Endorsement reviews are guided by the competencies specified in the Virginia Licensure Regulations for School Personnel for each endorsement area and encompass examination of the following documentation from the institution that verifies the following:

- I. Experiences offered by the institution to enable candidates to develop the knowledge and skills needed to attain competency in the discipline;
- II. Indicators of the candidates' attainment of the knowledge and skills; and
- III. Evidence that demonstrates the indicators of attainment are met.

Specific endorsement program reviews will be conducted for all institutions, both National Council for the Accreditation of Teacher Education (NCATE: the national accrediting agency referred to in Section 22.1-288.E) accredited institutions and institutions with Board of Education approval, to verify compliance with the licensure competencies and review procedures. Institutions with joint NCATE/Board of Education continuing approval must also submit interim folio reports for programs found in compliance with national guidelines at the previous review.

If the discipline review team finds that the endorsement program satisfies the review procedure, the institution will be notified and no additional review of the endorsement programs will be required for state approval. If the review team identifies weaknesses in the endorsement program, the institution will be informed and must address the weaknesses during the on-site review. Results of endorsement program reviews will be submitted to the on-site review team.

Endorsement program reviews will be conducted for each of the following endorsement areas:

Early/primary education preK-3

Elementary education preK-6

Middle education 6-8

Adult education

Adult English as a second language (add-on endorsement)

Art preK-12

Computer science

Dance preK-12

Driver education (add-on endorsement)

English

English as a second language preK-12

Foreign language preK-12

Gifted education (add-on endorsement)

Health and physical education preK-12

History and social science

Journalism (add-on endorsement)

Keyboarding (add-on endorsement)

Library media preK-12

Mathematics

Mathematics - algebra I (add-on endorsement)

Music education - instrumental preK-12

Music education - vocal/choral preK-12

Science - biology

Science - chemistry

Science - earth science

Science - physics

Special education - early childhood special education (birth-age 5)

Special education - hearing impairments preK-12

Special education - emotional disturbance K-12

Special education - learning disabilities K-12

Special education - mental retardation K-12

Special education - severe disabilities K-12

Special education - speech-language disorders preK-12

Special education - visual impairments preK-12

Speech communication (add-on endorsement)

Theatre arts preK-12

Vocational education - agricultural education

Vocational education - business education

Vocational education - health occupations education

Vocational education - industrial cooperative training (add-on endorsement)

Vocational education - marketing education

Vocational education - technology education

Vocational education - trade and industrial education

Vocational education - vocational special needs (add-on endorsement)

Vocational education - work and family studies

Administration and supervision prek-12  
Reading specialist  
School counselor preK-12  
School psychology  
School social worker  
Visiting teacher  
Vocational evaluator

**Alternatives**

*Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.*

Following the adoption of revised Standards of Learning (SOL) for K-12 students in 1995, which led to the development of the recently approved competency-based licensure regulations, the Regulations Governing Approved Programs for Virginia Institutions of Higher Education also underwent extensive review. The Board of Education called for the revisions as set forth in the proposed regulations to ensure that teachers have the background needed to facilitate student achievement of the new Standards of Learning. The revision process involved more than 200 education professionals representing teacher education faculty, arts and sciences faculty, classroom teachers, school administrators and support personnel, parents, Department of Education curriculum specialists, and members of the Advisory Board on Teacher Education and Licensure (ABTEL). The proposed revisions represent the results of their efforts.

**Public Comment**

*Please summarize all public comment received during the NOIRA comment period and provide the agency response.*

No public comment was received.

**Clarity of the Regulation**

*Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.*

A task force was convened to assist in the development of the proposed regulations for Approved Programs for for Virginia Institutions of Higher Education. Additionally, the proposed regulations have been thoroughly reviewed by the Advisory Board for Teacher Education and Licensure.

### Periodic Review

*Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.*

The regulations will be reviewed by July 1, 2003.

### Family Impact Statement

*Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

These regulations are anticipated to have no impact on family stability, family income, or the institution of the family. The provision will give the parents of public school students additional assurances that teachers meet high standards of professional competence.